

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

21 MC 100 (AKH)

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

DOCKET NO. 11 CIV 4252

STEVEN M. O'HARA,

Plaintiff,

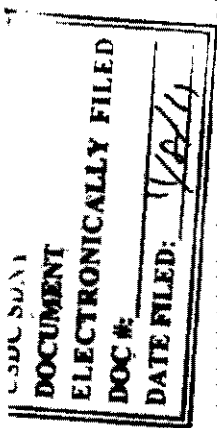
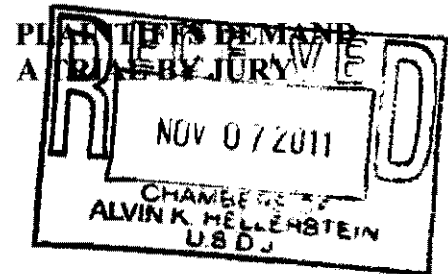
-against-

MOTION TO FILE
AMENDED COMPLAINT

AMEC CONSTRUCTION MANAGEMENT, INC.;
AMEC EARTH AND ENVIRONMENTAL;
BECHTEL CONSTRUCTION, INC.; BECHTEL
ENVIRONMENTAL SAFETY & HEALTH;
BECHTEL GROUP INC.; BOVIS LEND LEASE
LMB, INC. f/k/a LEHRER McGOVERN BOVIS,
INC.; TULLY CONSTRUCTION CO., INC.;
and TURNER CONSTRUCTION COMPANY,
Defendants.

Plaintiff, STEVEN M. O'HARA, by his attorneys STEPHEN M. CANTOR, P.C.,
ATTORNEY AT LAW, 319 Broadway, Suite 400, New York, New York 10007,
respectfully moves, as follows:

1. Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, STEVEN M. O'HARA, respectfully moves this Court for permission to file an Amended Complaint in the above referenced action for the sole purpose of including a cause of action on behalf of Kathleen R. O'Hara, the Plaintiff's wife, including the loss of the services, companionship and consortium of her husband, STEVEN, which damages she has suffered and will continue to suffer as a result of his illnesses and injuries as set forth in his Complaint and the proposed Amended Complaint.
2. The original Complaint on behalf of STEVEN M. O'HARA was filed on 06/22/2011, and service on each of the defendants was completed between 07/08/2011 and 08/04/2011.
3. To date, none of the eight (8) defendants has served or filed an Answer to the Complaint; the ECF/Pacer Civil Docket does not indicate that such Answers have been filed.
4. Recently, we were advised by Attorney Alyson N. Villano, Patton Boggs, LLP, that the Court has issued a Stay of the Proceedings until January 2, 2012, and that no Answers will be served and filed prior to that date.
5. Prior to filing the initial Complaint, Mrs. O'Hara indicated that she did not wish to be included as a plaintiff in her husbands, the Plaintiff, STEVEN M. O'HARA'S, lawsuit.



*Motion granted. File
am. compl. by 11/18/11.
11/8/11
Ch. H. H.*

6. Very recently, Mrs. O'Hara contacted the undersigned counsel and requested that she be included as a plaintiff in her husband's lawsuit and explained that her husband's deteriorating medical conditions, declining health, ever increasing need for assistance and his inability to participate in household activities have required and will continue to require even more substantial time and effort from her, which, to date, she advised, has caused her physical hardship and increased mental and emotional strain.

7. Since defendants' have not yet been required to serve and file their Answers, there can be no prejudice to the defendants should the Court permit the filing of the Amended Complaint as proposed, which will include the cause of action, on behalf of the Mrs. O'Hara, for loss of services, companionship and consortium.

WHEREFORE, the plaintiff respectfully requests that the Court permit the filing of an Amended Complaint and for such other and further relief as the Court may deem to be just and appropriate.

Plaintiff demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York
November 1, 2011

Yours, etc.

STEPHEN M. CANTOR, P.C.,
ATTORNEY AT LAW



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